

1 IMPERIAL COUNTY
2 DIVISION OF ENVIRONMENTAL HEALTH
3 797 MAIN STREET, EL CENTRO, CA 92243
4 LOCAL ENFORCEMENT AGENCY
5
6

RECEIVED
JUL 29 2010
PUBLIC WORKS

7 IN THE MATTER OF:) AMENDED NOTICE AND ORDER
8 Calexico Solid Waste Site (Facility No. 13-AA-0004),) NO. EA-2010-01
9 133 W. Hwy 98, Calexico, CA.) Public Resources Code Division 30, Sections
10 Described by Assessor Parcel Numbers:) 44106 and 45011. California Code of
11 059100022, 059100024, 059100030, and 059100031.) Regulations Title 27, Sections 21600 and
12) 20750.

13 To: County of Imperial
14 William S. Brunet, Director
15 Imperial County Department of Public Works
16 155 South 11th Street
17 El Centro, CA 92243
18

19 PLEASE TAKE NOTICE:

20 On February 24, 2010, the Imperial County Local Enforcement Agency (LEA) issued
21 Notice and Order EA-2010-01 to the Imperial County Department of Public Works (Operator)
22 directing the Operator to correct violations of **27 CCR 21600 – Report of Disposal Site**
23 **Information** at the Calexico Solid Waste Site within a stipulated timeframe. The Operator was
24 directed in Notice and Order EA-2010-01 to submit a permit revision application to incorporate
25 changes to the design and operation of the landfill by July 1, 2010 and to obtain the revised Solid
26 Waste Facility Permit that incorporates all significant changes by January 1, 2011. The Operator
27 was also directed to repair the road crossing the New River or provide an alternate access point
28 to the eastern portion of the site in order to conduct site maintenance by August 18, 2010.
29

1 The California Department of Resources Recycling and Recovery issued the Calexico
2 Solid Waste Site an Amendment to the Inclusion on the Inventory of Solid Waste Facilities
3 Which Violate State Minimum Standards pursuant to Section 44104 of the Public Resources
4 Code (PRC) on February 4, 2010. Since the Operator of the Calexico Solid Waste Site has failed
5 to comply with the requirements of Title 27 of the California Code of Regulations, the LEA has
6 the authority pursuant to Section 44106(a) of the PRC to order a compliance schedule to ensure
7 progress will be made to bring the facility into compliance.

8 On July 1, 2010, the Imperial County Department of Public Works submitted a request to
9 the LEA for an extension to the deadline to submit a permit revision application; and
10 consequently, an extension to the deadline to obtain a revised Solid Waste Facility Permit due to
11 new critical property boundary information obtained during the preparation of the permit
12 revision application. As a result, the Operator has requested additional time to amend the permit
13 application package to reflect proposed revisions to the permitted facility boundaries of the site.
14 Additionally, if the operator proposes to revise the permitted facility boundaries based on new
15 property information, the necessity to provide access for site maintenance to the eastern portion
16 of the site may be eliminated.

17 The LEA finds these reasons for an extension to be reasonable and outside of the control
18 of the operator. The LEA hereby amends the timeframes specified in Notice and Order EA-
19 2010-01 to those listed in this Amended Notice and Order.

20 **WHEREAS**, the Calexico Solid Waste Site is located at 133 W. Highway 98
21 (approximately 1.15 miles west of Calexico, California), described by Assessor Parcel Numbers:
22 059100022, 059100024, 059100030 and 059100031;

23 **WHEREAS**, the Imperial County Local Enforcement Agency has the authority to act in
24 the capacity of enforcement agency (EA) for this facility pursuant to Public Resources Code
25 Section 43200 et. seq., and is so acting; and

26 **WHEREAS**, the Imperial County Department of Public Works shall operate the
27 Calexico Solid Waste Site (Facility Number: 13-AA-0004) in accordance with Title 27 of the
28 California Code of Regulations Sections. Chapter 3 (State Minimum Standards) and the Solid
29 Waste Facility Permit.

1 **THEREFORE, YOU ARE HEREBY ORDERED TO DO THE FOLLOWING:**

2 Complete the following action on or before the date specified herein:

3 1. Section 21600 T27 CCR – Report of Disposal Site 4 Information: Submit a complete permit revision 5 application that addresses the significant changes made 6 at the site and complies with the directives provided in 7 the 5-Year Permit Review Report.	September 26, 2010
8 2. Obtain a revised Solid Waste Facility Permit that 9 incorporates all significant changes made at the site.	February 23, 2011
10 3. Section 20750 T27 CCR – Site Maintenance: Repair road 11 crossing of New River or provide alternate access to 12 eastern portion of the permitted landfill facility if still 13 necessary.	February 23, 2011

14 **FURTHER NOTICE:**

15 **PURSUANT TO PRC SECTIONS 44305, 44306, 45011, 45014, AND 45023,** if
16 the above action is not completed or complied with by the specified dates, the Local
17 Enforcement Agency may:

- 18 1. Petition the superior court for injunctive relief to enforce this Notice and Order.
19 [PRC Section 45014]
- 20 2. Petition the superior court for civil penalties in an amount not to exceed \$10,000
21 per day for each violation. [PRC Section 45023 and 45024]
- 22 3. Impose administrative civil penalties in an amount not to exceed \$5,000 per day
23 for each day the facility fails to achieve compliance with the time frames
24 specified above. [PRC Section 45011]
- 25 4. Suspend or revoke the Solid Waste Facility Permit. [PRC Sections 44305 and
26 44306]

27 In the event the time frame for completion of the above-specified activities cannot be
28 adhered to due to factors not in the control of the operator, the LEA may extend the stipulated
29 deadline based upon those specific factors provided by the operator in writing. Any such

1 extension to the time frame or other amendment to this Notice and Order shall be in the form of
2 an Amended Notice and Order.

3 Nothing in this Notice and Order shall constitute or be construed as a satisfaction or
4 release from liability for any conditions or claims arising as a result of past, current, or future
5 operations. Notwithstanding compliance with the terms of this Notice and Order, the owner and
6 operator may be required to take further actions as necessary to protect the public health, safety,
7 or the environment.

8 The LEA shall not be liable for injuries or damages to persons or property resulting from
9 acts or omissions by the owner or operator or related parties in carrying out activities pursuant to
10 this Notice and Order, nor shall the LEA be held as a party to any contract entered into by the
11 owner or operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

12 This Notice and Order is supported by the accompanying declaration of Jorge Perez.

13 This Notice and Order does not relieve the owner or operator from complying with all
14 other local, state, and federal requirements, nor does it preclude the LEA or CalRecycle from
15 taking any and all other actions allowed by law.

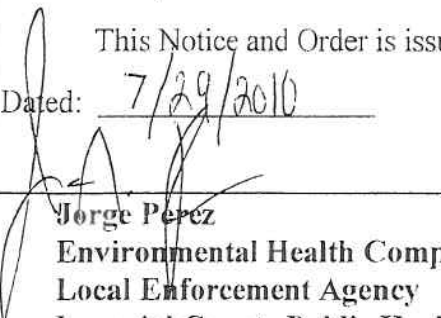
16 This Notice and Order may only be amended in writing by an appropriate representative
17 of the LEA.

18 **PLEASE TAKE NOTICE THAT:**

19 Pursuant to Title 14 CCR Section 18304(b)(8), the person or entity named in this Notice
20 and Order has the right to appeal this Notice and Order to the Hearing Panel. [PRC Section
21 44307] A request for a hearing before the Hearing Panel must be filed within 15 days from the
22 date of receipt of this Notice and Order. [PRC Section 44310]

23 This Notice and Order is issued as of the date set forth below.

24 Dated: 7/29/2010

25 
26 **Jorge Perez**

27 **Environmental Health Compliance Specialist II**
28 **Local Enforcement Agency**
29 **Imperial County Public Health Department,**
Environmental Health Services